

Response dated April 22, 2005
Response to Office Action mailed

Application No. 10/079,338

REMARKS

The Office Action of April 22, 2005 has been reviewed and the comments therein were carefully considered. Claims 6-11 and 23-32 are pending in this application. Claims 6-11 and 23-32 stand rejected.

Rejection for Double Patenting

The Office Action provisionally rejects claims 23-25, 27, and 30 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 43 of copending Application No. 10/079,373. Claims 6-8 are also provisionally rejected for obviousness-type double patenting as being unpatentable over claim 43 of copending Application No. 10/079,373 in view of U.S. Pat. App. Pub. No. 2003/0037160 ("Wall"). Applicants are concurrently filing a terminal disclaimer with this Response to overcome the provisional obviousness-type double patenting rejection.

Rejection under 35 U.S.C. §112

Claims 10, 11, 28 and 29 are rejected under 35 USC Section 112, second paragraph, as being incomplete for omitting essential steps. The applicant has amended claims 10, 11, 28 and 29 to more clearly show the interrelationship between the steps of each of claims 10, 11, 28 and 29. Applicants respectfully submit that claims 10, 11, 28 and 29 are in condition for allowance.

Rejections under 35 U.S.C. § 102:

Claims 6, 9 and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Pub. No. 2003/0037160 ("Wall"). The Applicant respectfully traverses this rejection.

The Office Action alleges that Wall teaches the invention of independent claims 6 and 23. However, Applicants respectfully submit that Wall fails to disclose, teach or suggest all of the features of independent claims 6 and 23. At the very least, Wall does not disclose the element of claim 6 and 23 that requires "sending a request that the wireless terminal wishes to join at least one requested layer corresponding to a multicast group of a multicast service." At least paragraph 6 of the present application also describes this feature:

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The exemplary embodiment utilizes signaling between a wireless terminal to an IP peer through a serving base station for requesting subscription to a multicast group corresponding to a multicast service.

(See paragraph 6). The Office Action alleges that Fig. 8 and paragraph 13 both disclose this claim element, however, neither citation discloses "a request ... to join at least one requested layer corresponding to a multicast group of a multicast service." Contrary to the present invention, Fig. 8 of Wall merely discloses processing a "request for data" and paragraph 13 discloses the technique of broadcasting data, neither of which constitute "a request ... to join at least one requested layer corresponding to a multicast group of a multicast service." Therefore, Applicants respectfully submit that claims 6 and 23 are patentable over Wall.

Further, because claim 9 ultimately depends from allowable claim 6, Applicants respectfully submit that claim 9 is patentable for at least the same reasons as claim 6.

Rejections under 35 U.S.C. §103(a)

Claims 7-8, 24-27, 30 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wall in view of U.S. Patent 6,360,076 ("Segura"). Applicants respectfully traverse this rejection.

Because claims 7-8, 24-27 ultimately depend from allowable independent claims 6 and 23, Applicants respectfully submit that claims 7-8 and 24-27 are patentable for at least the same reasons as claims 6 and 23.

Furthermore, for the reasons discussed above in regards to claims 6 and 23, Applicants respectfully submit that independent claim 30 is patentable over Wall in view of Segura. Because claim 31 ultimately depends from claim 30, Applicants respectfully submit that claim 31 is also allowable.

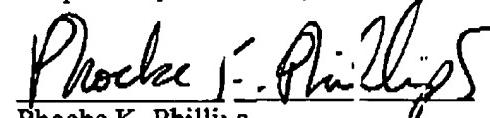
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CONCLUSION

Favorable reconsideration of this application is respectfully requested. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,



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